

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

C. GORDON DILLARD,  
Plaintiff,

No. 1:13-cv-373-CL

v.

THE STATE OF OREGON, et al.,  
Defendants.

**ORDER**

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

Here, plaintiff objects to the Report and Recommendation, so I have reviewed this matter de novo. I agree with the Report and

Recommendation that plaintiff's amended complaint fails to state a claim for relief against any defendant. I also conclude that allowing plaintiff to file a second amended complaint would be futile, so dismissal must be with prejudice.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#63) is adopted. Defendants' motions to dismiss (## 57, 58) are granted, and plaintiff's amended complaint (#56) is dismissed with prejudice.

IT IS SO ORDERED.

DATED this 6 day of May, 2014.

A handwritten signature in black ink, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE